

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

REGINALD PALMER,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 03-325-GPM
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

This matter is before the Court on Petitioner’s motion for leave to proceed on appeal *in forma pauperis* (Doc. 34). This motion relates to Petitioner’s latest appeal filed December 20, 2005, which is taken from this Court’s Order complying with the mandate issued by the Seventh Circuit Court of Appeals on Petitioner’s first appeal.

This Court already has denied a certificate of appealability (*see* Doc. 32). However, the Court’s finding that Petitioner has not made a substantial showing of the denial of a constitutional right does not necessitate a finding that he should be denied *in forma pauperis* status. *See Walker v. O’Brien*, 216 F.3d 626, 631 (7th Cir. 2000) (finding that “the standard governing the issuance of a certificate of appealability is not the same as the standard for determining whether an appeal is in good faith”). To determine that an appeal is taken in good faith, which is a requisite finding for granting *in forma pauperis* status on appeal, “a court need only find that a reasonable person could suppose that the appeal has some merit.” *Id.* at 632. Applying that standard to this case, the Court **CERTIFIES** that the instant appeal is **not** taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

Accordingly, Petitioner's motion for leave to proceed *in forma pauperis* on appeal (Doc. 34) is **DENIED**. Petitioner shall tender the appellate filing and docketing fee of \$255 to the Clerk of Court in this district, or he may reapply to the Seventh Circuit Court of Appeals for leave to proceed *in forma pauperis* on appeal.¹

IT IS SO ORDERED.

DATED: 02/13/06

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge

¹Because this is a petition for collateral review under 28 U.S.C. § 2255, the filing fee provisions of 28 U.S.C. § 1915(b) do not apply. *See Walker v. O'Brien*, 216 F.3d 626, 634 (7th Cir. 2000).